

Attachment 6

MEMORANDUM OF UNDERSTANDING

Between the
Washington State Office of Archaeology and Historic Preservation
and the
Natural Resources Conservation Service

I. **Purpose.** The purpose of this memorandum is to set forth the understanding between the Office of Archaeology and Historic Preservation of the Washington State Department of Community, Trade and Economic Development (OAHP) and the USDA Natural Resources Conservation Service relating to the sharing of archaeological and historic data. This memorandum is intended to promote intergovernmental coordination and may be terminated upon notice by either party.

II. **Policy.** OAHP maintains records identifying the location and nature of archaeological and historic sites within the state. Natural Resources Conservation Service evaluated funding applications and fields requests for technical assistance in the protection of our nation's natural resources in accordance with federal and state law. Access to these records on site would be advantageous in order to comply with time constraints contained in the permit review process. In order to hold such records on site, OAHP requires that the County provide the security necessary to maintain the confidentiality of these records.

III. Sharing of Historic and Archaeological Site Data.

- A. OAHP shall provide Natural Resources Conservation Service with access to all historic and archaeological site forms for sites within Washington State, and shall copy, or permit Natural Resources Conservation Service to copy all such site forms for retention in the Natural Resources Conservation Service.
- B. On a quarterly basis, OAHP shall provide access for Natural Resources Conservation Service to compile a list of any new or updated site forms for sites within Natural Resources Conservation

Service and to copy, or permit Natural Resources Conservation Service to copy, all such site forms.

- C. OAHP shall offer assistance to Natural Resources Conservation Service as may be requested in the selection of a cultural resources specialist (i.e. archaeologist, historian, architectural historian, etc).
- D. Upon request by Natural Resources Conservation Service and within fifteen working days of receipt by OAHP, OAHP will provide a written opinion whether specific properties, forty years of age or older, are eligible for listing in the National Register of Historic Places. In the event that OAHP requires additional information in order to reach an opinion, OAHP may request additional information. Such requests shall extend Oahu's deadline for response for an additional ten days after OAHP receives the information requested.
- E. OAHP shall provide, upon request, copies to Natural Resources Conservation Service of technical briefs, brochures, bulletins, and any other materials addressing preservation planning issues.

IV. Security for Archaeological Site Inventory Data.

As archaeological properties are of a sensitive nature and as such sites are subject to vandalism and exempt from public disclosure, Natural Resources Conservation Service shall provide security for site records indicating the location of known or suspected archaeological properties consistent with RCW 42.17.310.

- A. The archaeological site records copies from OAHP or generated from new site reviews shall be kept in a locked, secure location with limited access. A log shall be kept of all persons accessing the record, of records copies and for whom.
- B. The precise location shall be made known only to the property owner of record and to the Tribal Cultural Resources Manager or Tribal Chairman of Indian Tribes with cultural connections to the area.
- C. If location data are transferred to any electronic storage system, the precise location of archaeological sites shall be disguised.

V. GIS Data Sharing

- A. OAHP agrees to allow Natural Resources Conservation Service access to its GIS records. OAHP shall provide Natural Resources Conservation Service with a GIS data layer comprising archaeological sites in Washington State. This data layer is to be in shape file format, Washington State Plane, South Zone NAD 27. At no time will this spatial layer be available on the World Wide Web or to the public.
- B. Use of OAHP GIS data is limited to design, planning development and operations functions and does not preclude the need for field surveys for cultural resources in areas where such surveys have not been conducted in the recent past, or where previous surveys have not met current professional standards.
- C. OAHP and Natural Resources Conservation Service recognize the available site and survey work is performed by other parties and thus the resulting data accuracy and reliability may be variable. Natural Resources Conservation Service is also aware the Tribes do not always share all cultural resource information with OAHP. Therefore, OAHP may inadvertently show false negatives in their database, particularly with regard to traditional use properties.
- D. Natural Resources Conservation Service agrees to implement institutional protocols and computer security measures which will limit access to the OAHP data. These data will be secured on the Natural Resources Conservation Service servers so that access is limited to specific users,-----
- E. Inquiries about existence of cultural sited should be answered “yes” or “unknown” based on the OAHP data. RCS 42.17.310(l)(k) exempts cultural site locations from public disclosure and these data should not be displayed on maps produced by Natural Resources Conservation Service. At now time will the OAHP GIS data be redistributed to a third party.
- F. Natural Resources Conservation Service agrees to provide any survey or historic property data captured on their GIS systems to the OAHP on a quarterly basis.

VI. Response to Development Activity

- A. Natural Resources Conservation Service shall promote preservation of identified archaeological, historic, and cultural resources and shall seek to mitigate unavoidable negative impacts to cultural resources and to discourage demolition of historically significant structures.
- B. When development activity is proposed on or near a known archaeological or historic site, Natural Resources Conservation Service shall, where possible and consistent with its resources, determine exact site location, notify developer of said location and inform developer of pertinent state and federal laws concerning protection of such sites.
- C. When a development activity subject to SEPA or the Shoreline Management Act is proposed on or new a known archaeological or historic site, the Natural Resources Conservation Service will follow a procedure that will result in an analysis of the impacts of the proposal and require mitigation of potential impacts.
 - C.1. For archaeological sites, the Natural Resources Conservation Service may require the project proponent to engage a professional archaeologist to investigate and report to the Natural Resources Conservation Service upon the location, condition, and extent of the site; impacts associated with the proposal; and any recommended mitigation necessary.
 - C.2. Based on the information contained in the written report of the archaeologist, the Natural Resources Conservation Service will condition project approval to avoid impacts to the site. Avoidance and conservation of the site is the preferred treatment.
 - C.3. The Natural Resources Conservation Service will forward to OAHP copies of the written report or additional site forms prepared by the professional archaeologist, and will store these sites forms at the Natural Resources Conservation Service in a manner consistent with security measures in Section IV.
 - C.4. The Natural Resources Conservation Service shall consult with concerned tribes to solicit their comments on the proposed

measures to avoid, protect, or mitigate effects on the archaeological site.

- D. Natural Resources Conservation Service shall assign a staff member to be responsible for historic preservation and compliance with this memorandum. Natural Resources Conservation Service agrees to pay reasonable expenses for said staff member to attend annual OAHP-sponsored cultural resource training, if available.
- E. The Natural Resources Conservation Service shall hold training for its site inspectors at least once a year in order to inform them of state and federal laws regarding protection of historic and archaeological resources.
- F. Upon reasonable notice, Natural Resources Conservation Service shall allow OAHP to inspect the provisions for security of information received from OAHP.
- G. Should this memorandum be terminated, Natural Resources Conservation Service shall return to OAHP its copies of site forms and shall certify that location data has been permanently deleted from electronic storage systems.

Allyson Brooks, PH.D.
State Historic Preservation Officer
Office of Archaeology & Historic
Preservation

Date

R.L. Hughbanks
State Conservationist
USDA Natural Resources Conservation
Service

Date

